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The new building will be accessed through the existing shared driveway off Third Avenue but will be connected to an independent set of municipal service lines located at the front. To achieve the proposed development, the Applicant's request is to permit variances to the setback requirements established by the Zoning Bylaw No. 1987 and servicing requirements established jointly by the Water Regulation Bylaw No. 945 and Subdivision Servicing and Development Standards Bylaw No. 1800.

Official Community Plan and Zoning: Currently, the subject property is split-designated into Medium Density Residential and Highway 16 Commercial in the Official Community Plan (OCP) Bylaw No. 1935 and is zoned P-2 Public Use Two Zone in the Zoning Bylaw No. 1987 (see **Attachment 4**). Staff confirmed that the property's split designated status in the OCP is a result of a mapping error from 2022, which will be corrected by including it as a housekeeping OCP amendment item within the scope of a forthcoming OCP Bylaw amendment.

### **DISCUSSION:**

At the local government level, Zoning Bylaws regulate land use by establishing zones, specifying permitted uses and development standards, while servicing standards may be established by a single or multiple related bylaws. Section 498 of the Local Government Act enables local governments to issue DVPs, where a development cannot meet the established development and servicing requirements.

**A) Zoning Bylaw Variances:** As per the Town's Zoning Bylaw No. 1987, where a parcel is contiguous to an intersection, the front parcel line is the shorter of the parcel lines. Until the lots were consolidated, the parcel line fronting Third Avenue remained as the front parcel line for all the four parcels, which, after the consolidation process was changed to Sixteenth Avenue. The new building will have a Third Avenue orientation but will only have a 3.0 m setback from the front parcel line, hence, requiring a 6.0 m to 3.0 m variance for front setback for principal buildings. Similarly, the existing principal building was built in 2011 in accordance with the then applicable setback requirements for the P-2 zone; however, it does not comply with the rear yard setback requirements due to the changed lot orientation, requiring a 3.0 m to 1.8 m variance for principal buildings (see **Attachment 5**).

Staff support the requested setback variances to s. 4.2.1 (Table 4.1) Town of Smithers Zoning Bylaw No. 1987 for the following reasons:

- a) The development will have a Third Avenue orientation, with a 6 m setback; hence, the proposal aligns with the form and character of the neighbourhood;
- b) Building to be located outside the traffic visibility triangle, hence, no adverse traffic safety issues are anticipated;
- c) The existing building was built in compliance with the applicable requirements, hence, no additional safety issues are anticipated due to setback reduction; and
- d) The variance requirements are merely due to the changed lot orientation.

**B) Servicing-related Variances:** As four independent lots were created in 1998 as part of the Willowvale Neighbourhood subdivision, lots 4-7 had four sets of municipal service connections available at the property line. For this reason, the consolidated parcel has four independent sets of municipal services located at the parcel line. Currently, one set of services is connected to the existing principal building, two

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connections are capped at the property line, and the Applicant intends to connect the proposed building to the fourth set of services.

The servicing proposal does not align with s. 3.6 of the Town's Water Regulation Bylaw No. 954 -- which limits the number of independent water service connections permitted for a parcel to one -- and s. 4.2.6 of Schedule "A" of the Town's Subdivision Servicing and Development Standards Bylaw No. 1800 -- which limits the number of separate sanitary service connections permitted for individual ownership to one.

Staff support the requested variances to permit an additional set of municipal service for the consolidated parcel for the following reasons:

- a) The additional service connection exists as part of the 1998 subdivision;
- b) The Town has capped two of the service connections at the property line;
- c) Establishing an independent service connection rather than extending the existing service lines supports financial viability of the proposed much-needed housing development and allows them to allocate the resources in a manner that adds value to the project;
- d) Approving the additional connection is potentially a more environmentally-friendly option as compared to extending the services from the other side; and
- e) No other adverse impacts are anticipated.

#### **RESOURCE CONSIDERATIONS:**

The developer will be responsible for covering the costs of establishing the additional set of municipal service connections. No financial implications are anticipated on the Town as a result of the approval of the requested variances.

#### **LEGISLATION / POLICY CONSIDERATIONS:**

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Sections 7.2 Housing Diversity and Flexibility (policies 3, 7, and 10) and 7.3 Housing Affordability and Availability (policies 3 and 4) support the proposed development, and hence, the approval of the requested variances (see **Attachment 6**). As the development aims to create special need housing in the community, approval of the DVP also aligns with the Smithers Housing Needs Report recommendation as well.

#### **ASSET MANAGEMENT IMPLICATIONS:**

Maintenance and future replacement of the services is more straight forward with the two separate building service connections.

#### **CONNECTION TO STRATEGIC PRIORITIES:**

The proposal aligns with the following Strategic Priority of Town Council for 2023-26:

- supports **Community Livability – Housing Affordability and Diversity** by creating special need housing in the community and improving housing diversity in the Willowvale neighbourhood.

#### **ENVIRONMENTAL CONSIDERATIONS:**

Approval of the setback-related variances are unlikely to have any environmental implications. Permitting the proposed building to be connected to the existing service connections at the front will eliminate the requirement for extending the existing

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service connection from the other side of the shared driveway, and hence, will help in minimizing potential environmental impacts.

**COMMUNICATIONS:**

Notification and communication for this application will be undertaken in accordance with the requirements of the Local Government Act, the Town of Smithers Development Procedures Bylaw, and the Town of Smithers Public Notice Bylaw.

**ACCESSIBILITY CONSIDERATIONS:**

Approval of the requested variances is not anticipated to result in any adverse accessibility impacts on the subject property or neighbouring parcels.

**ALTERNATIVES / OPTIONS:**

1. Approve the DVP application with conditions.
2. Deny the DVP application; or
3. Approve or deny any combination of the requested variances (a), b), and c).
4. Another option as determined through Council discussion and motion.

**ATTACHMENTS:**

1. DEV 26-032 Attach 1. Application DV26-05
2. DEV 26-032 Attach 2. Subject Property Map
3. DEV 26-032 Attach 3. Ortho-images
4. DEV 26-032 Attach 4. OCP & Zoning maps
5. DEV 26-032 Attach 5. P-2 Zone Regulations
6. DEV 26-032 Attach 6. Relevant sections OCP Bylaw No. 1935

Respectfully submitted:



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Reviewed by:



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Approved for Submission:



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